

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GERALD F. LUCAS

Plaintiffs,

v.

RIPAL M. PATEL

Defendant.

CIVIL ACTION NO.

5:16-CV-00009-CAR

STIPULATION AND ORDER

COMES NOW, the Plaintiff and Defendant, through their counsel of record, and stipulate and agree to the following:

The above-captioned lawsuit is a negligence action involving an automobile collision, which was previously filed in the State Court of Bibb County. Said case was styled as follows: Gerald F. Lucas v. Ripal M. Patel, State Court of Bibb County, Civil Action No. 77455 (hereafter, the “State Court Case”).

On December 10, 2015, the State Court Case was dismissed by operation of the law pursuant to O.C.G.A. § 9-2-60(b)(“Any action or other proceeding filed in any of the courts of this state in which no written order is taken for a period of five years shall automatically stand dismissed with costs to be taxed against the party plaintiff.”). On January 4, 2016, Plaintiff refiled the State Court Case in the Superior Court of Bibb County pursuant to O.C.G.A. § 9-2-60(c)(“When an action is dismissed under this Code section, if the plaintiff recommences the action within six months following the dismissal then the renewed action shall stand upon the same footing, as to limitation, with the original action.”). Said case was styled Gerald F. Lucas

v. Ripal M. Patel, Superior Court of Bibb County, Civil Action No. 16-CV-63965. Defendant removed this case to this Court and jurisdiction in this Court is based on diversity.

At the time of the dismissal of the State Court Case, the parties had conducted extensive discovery and the case was ready to be tried. Accordingly, the parties hereby agree that the record created in the State Court Case should be fully adopted and incorporated into the record in this Court. This would include any and all discovery conducted in the State Court Case.

The parties agree to work together to avoid the duplication of discovery in the prior case. Nothing in this stipulation shall limit the parties from conducting limited discovery in order to update discovery.

Submitted, this 10th day of February, 2016

LAW OFFICES OF TIMOTHY K. HALL, LLC

BY: /s/ Timothy K. Hall
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By: /s/ Kevin A. Wangerin
Kevin A. Wangerin, Esq.
(Signed w/express permission by Adam M. Collins)
Georgia Bar No. 736520

Attorney for Defendant

ORDER

Upon review of the information contained in the Stipulation and Order completed and filed by the parties, the Court hereby adopts the record created in the Gerald F. Lucas v. Ripal M. Patel, State Court of Bibb County, Civil Action No. 77455 (including any and all discovery conducted in said state court case), which should be fully adopted and incorporated into the record in this Court.

IT IS SO ORDERED, this ____ day of _____, 20____.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of the foregoing STIPULATION AND PROPOSED ORDER to be served upon all counsel of record by depositing a copy of the same in the United States mail, postage prepaid to the addresses below and or through the CM/ECF Filer or Pacer Login System:

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This 10th day of February 2016.

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